(4)

IN THE HON'BLE HIGH COURT OF CHHATTISGARH AT BILASPUR

SINGLE BENCH

WRIT PETITION [C] NO. 4258 /2006 [S.B.]

FROM RAIPUR DISTRICT

PETITIONER :- Harpreet Singh Son of Sardar Geda Singh, aged about 42 years, Resident of beside Gurudwara, Gurunank Nagar, Telibandha, post Ravigram, Raipur [C.G.] and c/o K.S. Sales Agency near Hari Om Palace Hotel, Patwa complex, K.K. Road, Raipur [C.G.].

P.R. No. 3362/06 Chhattisgarh
Presented by Shri P.K. Tiwari
dated 5/12/06

ORIGINAL DEFENDANT NO.1

VERSUS

RESPONDENTS :-

1] Bhasin Auto Parts,
Through- Proprietor Smt. Ravinder Kaur, Wife of Sardar Anup Singh Keshar, R/o Gurunanak Nagar, P.S. Telebandha, Post Ravigram, District Raipur [C.G.].

2] Vijay Pinjani son of Shri Chandrapal Pinjani.

3] Suresh Pinjani son of Shri Chandrapal Pinjani.

4] Kumari Meena Pinjani son of Shri Chandrapal Pinjani.

No. 2 to 4 are resident of Ashok Park, Shankar Nagar, Raipur [C.G.].

RECEIVED-COPY
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5/12/06

5] Smt. Pawan Kakkad w/o Shri Ashok Kakkad, R/o Awanti Vihar, Telibandha, Raipur [C.G.]

ORIGINAL PLAINTIFFS

6] State of Chhattisgarh,
Through- Collector, Raipur [C.G.].

DEFENDANT NO.2

(5)

WRIT PETITION UNDER ARTICLE 227 OF THE CONSTITUTION OF INDIA FOR ISSUANCE OF APPROPRIATE WRIT[S] ORDER[S], DIRECTION[S] TO DO JUSTICE IN THE MATTER

XI-HC-78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

(32)

मामला क्रमांक WP...4258./06 **सन् 200**

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

10.1.2007:

Shri Malay Bhaduri counsel for the petitioner.

By this petition the petitioner has impugned the order of Annexure P-2 whereby the learned District Judge, Raipur allowing the miscellaneous appeal preferred by the respondents has passed an order of temporary injunction in favour of the respondents/plaintiffs and directed the petitioner not to transfer the disputed property directly or indirectly and further not to interfere with the possession of the plaintiffs till disposal of the suit.

Learned counsel for the petitioner submits that the order impugned is contrary to law as same has been passed by the court below placing reliance on the registered sale deed in favour of the plaintiffs and in this way the Court below has in fact decided the suit on merits and nothing remains to be decided.

I have heard learned counsel for the petitioner and perused the impugned order.

Application for temporary injunction was rejected by the trial Court on the ground that the property was mutated in the name of defendants and on that basis it was held by the court below that the defendants were in possession of the disputed property. However, the appellate Court in miscellaneous appeal preferred by the plaintiffs allowed the application for temporary injunction with a finding that from the material available on record including the sale deed in favour of the plaintiffs prima facie case is in favour of the plaintiffs and the plaintiffs are in possession of the disputed property and in the aforesaid circumstances order of temporary injunction has been passed.

P.T.O.

XI-HC-78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

(33) (2)

मामला क्रमांक W.P.4258/06 **सन् 200**

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	Learned counsel for the petitioner could not point out any illegality or jurisdictional error in the order impugned passed by the court below as the application for temporary injunction has been decided by the court below on the basis of affidavits filed by the respective parties and the material available on record. Thus the order impugned does not call for any interference from this Court in exercise of the jurisdiction under Article 227 of the Constitution of India and accordingly the petition being without substance is liable to be dismissed. It is hereby dismissed. However, the observations made in this order shall not affect the merits of the case and the court below shall decide the suit on its own merits without being influenced by this order. **Sd/-** **Dhirendra Mishra** **Judge**	

P.T.O.